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Attorneys for Plaintiff DIRECTV, INC.

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION**

DIRECTV, INC., a California corporation,

 Plaintiff,

 vs.

 DUNG NGO,

 Defendant.

Case No.: CV-04-4853 RS

Hon. Richard Seeborg

**STIPULATION FOR VOLUNTARY
 DISMISSAL OF DEFENDANT DUNG NGO
 AND REQUEST TO RETAIN
 JURISDICTION; ~~[PROPOSED]~~ ORDER
 THEREON**

IT IS HEREBY STIPULATED by and between Plaintiff DIRECTV, Inc.
 ("DIRECTV") and Defendant DUNG NGO, through their respective counsel of record, that the
 above-captioned action be and hereby is dismissed with prejudice, pursuant to Fed. R. Civ. P.
 41(a)(1), **only** as to Defendant DUNG NGO. Each of said parties to bear its/his own costs and
 attorney's fees. Defendant DUNG NGO is the last remaining Defendant in this action. This
 entire action as to all remaining claims is hereby terminated in full.

The terms of the Confidential Settlement Agreement dated April 22, 2005
 ("Agreement") entered into between the Defendant and DIRECTV require installment payments
 from Defendant, the last of which is not due to be received until December 2005. If the
 Defendant does not make any payment under the Agreement when due, DIRECTV is authorized
 to seek the entry of a Judgment in this action against Defendant pursuant to a Stipulation for

1 Entry of Judgment (“Stipulation”) executed by the parties concurrently with the Agreement. The
2 parties therefore have consented, and hereby further stipulate and consent to, the retention of
3 jurisdiction over them by this Court and to reference to a Magistrate Judge in this District for the
4 purpose of enforcing the payment terms of the Agreement, including entering a Judgment against
5 Defendant pursuant to the Stipulation. The parties therefore respectfully request that the Court
6 retain such jurisdiction.

7 DATED: May 17, 2005

Respectfully Submitted,

8 BUCHALTER, NEMER, FIELDS & YOUNGER
9 A Professional Corporation

10
11 By: /s/ Sandeep J. Shah
12 Sandeep J. Shah
Attorneys for Plaintiff DIRECTV, Inc.

13 DATED: May 12, 2005

LAW OFFICES OF PHUC DINH DO

14
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16 By: /s/ Phuc Dinh Do
Phuc Dinh Do
17 Attorneys for Defendant DUNG NGO

ORDER

HAVING READ AND CONSIDERED the forgoing Stipulation for Voluntary Dismissal of Defendant DUNG NGO and Request to Retain Jurisdiction, and such other pleadings, documents and records deemed appropriate by the Court, and good cause appearing therefore, IT IS HEREBY ORDERED:

- (1) Defendant DUNG NGO is hereby dismissed from this action without prejudice;
- (2) Each of said parties to bear its/his own costs and attorney's fees; and
- (3) The Court shall retain jurisdiction over DIRECTV and Defendant DUNG NGO to enforce the terms described above of the Settlement Agreement between those parties dated April 22, 2005 and hereby refers any further proceedings in this action to enforce such terms of the Settlement Agreement to a Magistrate Judge of this District

Dated: May 18, 2005

/s/ Richard Seeborg

Honorable Richard Seeborg
Judge of the United States District Court
Northern District of California

PROOF OF SERVICE

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is at BUCHALTER, NEMER, FIELDS & YOUNGER, A Professional Corporation, 18400 Von Karman Avenue, Suite 800, Irvine, California 92612-0514.

On May 17, 2005, I served the foregoing document described as: **STIPULATION FOR VOLUNTARY DISMISSAL OF DEFENDANT DUNG NGO AND REQUEST TO RETAIN JURISDICTION; [PROPOSED] ORDER THEREON** on all other parties and/or their attorney(s) of record to this action by placing a true copy thereof in a sealed envelope as follows:

Phuc Dinh Do, Esq.
Law Offices Of Phuc Dinh Do
300 South King Road
San Jose, CA 95116

(ATTORNEY FOR DEFENDANT DUNG NGO)

☒ **BY MAIL** I am a resident of, or employed in, the county where the mailing occurs; I am over the age of 18 years and am not a party to the cause. I am readily familiar with the business' practice for collection and processing of correspondence for mailing with the United States Postal Service. The correspondence will be deposited with the United States Postal Service this same day in the ordinary course of business. The address(es) shown above is(are) the same as shown on the envelope. The envelope was placed for deposit in the United States Postal Service at Buchalter, Nemer, Fields & Younger in Irvine, California. The envelope was sealed and placed for collection and mailing with first-class prepaid postage on that date following ordinary business practices.

☒ I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on May 17, 2005, at Irvine, California.

Debby Bodkin

/s/ Debby Bodkin

(Signature)